IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE NO. 96 8 OF 2004

IN

AWARD DATED THE 19TH MARCH, 2002

WITH

CHAMBER SUMMONS. 1259 OF 2004

Pierre Cardin Fashions
(P) Ltd., .. Claimants.

vs.

M/s. Electron Textile
Industries & Ors. .. Respondents.

Mr. M. Parikh i/by M/s. M. Hiralal & Co.
for Claimants.
Mr. M.C. Shah with M.R. A. Rao
for Respondents.

CORAM : S.U. KAMDAR,J.
DATE : 23rd FEBRUARY, 2005.

P.C.

1. The learned counsel appearing for the respondents have tendered their affidavit of 2nd respondent dated 23.2.2005. The same is taken on

record. In view of the affidavit disclosing the assets of respondent no. 2, nothing survives in notice no. 968 of 2004. The same is dismissed accordingly.

2. In so far as Chamber Summons No. 1259 of 2004 is concerned, the same also does not survive in view of the order passed in the notice aforesaid. The chamber summons is dismissed accordingly. However, the decree holder not to execute the decree till 15.3.2005. In the meantime, the respondents if desire to obtain any order from the Apex Court in his pending Special Leave Petition, it is open for him to do so. However, if he fails to obtain order by 15.3.2005, the present stay to stand vacated and the decree holder will be entitled to proceed further and execute the decree. In the meantime, the respondent no. 2 is directed not to alienate, encumber, or create any third party rights or part with possession of the properties set out in the affidavit dated 23.2.2005.

3. C.C. expedited.